



20 JAN 2006

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In re Application of:	:	
JURMANN, Alexander	:	
U.S. Application No.: 10/521,434	:	DECISION ON PAPERS
PCT No.: PCT/EP2003/007194	:	SUBMITTED UNDER
International Filing Date: 04 July 2003	:	37 CFR 1.42
Priority Date: 17 July 2002	:	
Attorney's Docket No.: 038724.55803US	:	
For: VACUUM CARBURIZING METHOD AND	:	
DEVICE	:	

This decision is issued in response to the 20 October 2005 submission of a declaration executed on behalf of deceased inventor Alexander JURMANN by his legal representative Susanne JURMANN, treated herein as a submission under 37 CFR 1.42. No petition fee is required.

### **BACKGROUND**

On 14 January 2005, applicants filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. The Transmittal Letter was accompanied by, among other materials, payment of the basic national fee and a translation of the international application into English.

On 07 September 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 20 October 2005, applicants filed the declaration considered herein. The declaration was executed on behalf of the deceased sole inventor by his legal representative.

### **DISCUSSION**

Pursuant to 37 CFR § 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

37 CFR 1.497(b)(2) states the following:

(2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

The declaration submitted on 20 October 2005 identifies the deceased inventor and states the inventor's country of citizenship, as required for compliance with 37 CFR 1.497(a)(3). The declaration is signed by Susanne JURMANN as "legal representative" of the deceased inventor, states the relationship to the deceased (i.e., legal representative), and provides the legal representative's country of citizenship and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2).

Based on the above, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

#### CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**. The declaration filed on 20 October 2005 is accepted as complying with 37 CFR 1.497.

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 20 October 2005.



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